IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 15089 OF 2007

Dated : July 17, 2007

Between:

Smt. D.D.A.Jayamani

Petitioner

AND

The State of Andhra Pradesh,
Rep. By its Principal Secretary,
Revenue (CT.I) Department,
Secretariat Buildings, Hyderabad and three others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 15089 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

This writ petition is filed seeking a writ of certiorari calling for the records relating to the proceedings of the 1st respondent in G.O. Rt. No. 2733 Revenue Department dated 27.12.2006 and the order dated 25.06.2007 made in O.A. No. 3460 of 2007 by the A.P. Administrative Tribunal, Hyderabad, and quash the same insofar as the petitioner is concerned and consequently to direct the respondents to continue her in service as CTO till she attains the age of superannuation i.e. 31.7.2010 by correcting her date of birth as 24.7.1952 instead of 24.7.1949 in the Service Register of the petitioner with all consequential benefits.

The petitoner herein filed the above O.A. assailing issuance of GO Rt. No. 2733 Revenue (CT.I) Department dated 27.12.2005 insofar as she is concerned, being at Sl. No. 36, asking her to retire from service with effect from 31.7.2007 instead of 31.7.2010, as illegal and arbitrary and to consequently direct the respondents to continue her in service as CTO till she attains the age of superannuation i.e. 31.7.2010.

Before the Tribunal, it was the case of the petitioner that when she entered into service on 17.2.1977 as

L.D.C., her date of birth was registered in the Service Register as 24.7.1949 as per her academic record but when she visited her village in September, 2006, she came to know that her actual date of birth, registered in the Gram Panchayath records, was 24.7.1952. Therefore, she filed a suit OS No. 848 of 2006 on the file of the Principal Junior Civil Judge, Kovvuru, West Godavari District, which is pending.

The Tribunal, having adverted to Rule 4 of the A.P. Public Employment (Recording & Alteration of Date of Birth) Rules, 1984, which says that no government employee in service, before the commencement of the Rules, whose date of birth has been recorded in the Service Register in accordance with the Rules applicable to him or whose entry relating to the date of birth has become final and binding under the Rules, in force prior to the commencement of the Rules, shall be entitled to claim alteration of his date of birth, dismiss the O.A., which is impugned in this writ petition.

The Government of Andhra Pradesh vide G.O. Ms. No. 165 Finance & Planning Department dated 21.04.1984 has framed Rules under A.P. Public Employment (Recording and Alteration of Date of Birth) Rules, 1984. Rule 2-A of the said Rules manifests that no

decree passed by the Civil Court, regarding correction of date of birth, is binding and Rule 4 thereof mandates that no government employee in service, before the commencement of the Rules, whose date of birth has been recorded in the Service Register, in accordance with the Rules applicable to him or whose entry relating to the date of birth has become final and binding under the Rules, in force prior to the commencement of the Rules, shall be entitled to claim alteration of his date of birth. Admittedly, the petitioner has entered into Government Service on 17.2.1977 as L.D.C. i.e. prior to framing of the instant Rules. As such, the date of birth recorded as 24.7.1949, in the Service Register at the time of her joining Government Service has become final and she is not entitled to claim alteration of the same. That apart the Apex Court and this court, time and again, have upheld the validity of the Rules, 1984. In that view of the matter, and having regard to the facts and circumstances, we find no illegality or irregularity in the order passed by the Tribunal warranting interference. Consequently, the writ petition is dismissed, being devoid of merits. No order as to costs.

T.MEENA KUMARI, J.

G.CHANDRAIAH, J.

July 17, 2007
MAS